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ATTORNEYS FOR Lou O. Maldonado,  
Trustee for the benefit of the Maldonado Trust

*Electronically Filed on  
June 2, 2006*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case Nos. BK-S-06-10726-LBR through  
BK-S-06-10729-LBR

(Jointly Administered)

Chapter 11

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

**LOU O. MALDONADO, TRUSTEE FOR  
THE BENEFIT OF THE MALDONADO  
TRUST'S JOINDER IN DIRECT  
LENDERS' MOTIONS: (1) TO  
COMPEL DEBTOR TO CONTINUE TO  
FORWARD LENDER PAYMENTS TO  
DIRECT LENDERS; and (2) TO DELAY  
OR PROHIBIT APPRAISALS ON  
PERFORMING LOANS**

In re:

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

Debtor.

Hearing Date: June 5, 2006

Hearing Time: 9:30 a.m.

In re:

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,

Debtor.

In re:

USA SECURITIES, LLC,

Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Lou O. Maldonado, Trustee for the benefit of The Maldonado Trust (“Maldonado”), by and through his undersigned attorneys, hereby files this Joinder in the Direct Lenders’ Motions: (1) to Compel Debtor to Continue to Forward Lender Payments to Direct Lenders; and (2) to Delay or Prohibit Appraisals on Performing Loans (“Motions”).

Maldonado is a direct lender in the USA Commercial Mortgage Company’s direct loan program. Maldonado has made direct loans in the aggregate amount of \$600,000 to seven commercial development financing projects. Those seven projects are identified as follows:

1. Temescal/Dos Lagos;
2. HFA-Clear Lake;
3. Cabernet;
4. Preserve at Galleria;
5. Riviera;
6. Hesperia II; and
7. Marleton Square

The facts and circumstances surrounding Maldonado’s direct loans are substantially similar to the fact pattern set out in Direct Lender’s Motions. Maldonado incorporates herein by this reference the general outline of the facts as set out therein.

Maldonado further incorporates by this reference the legal argument set out in the Motions to support the proposition that the borrowers’ payments are not property of the Debtors’ estates; that the Debtor should forward payments to the Direct Lenders; and that the Debtor

1 should be required to delay or should be prohibited from obtaining appraisals on the properties  
2 that are securing the performing loans.

3 Maldonado incorporates the arguments raised by the Direct Lenders and urges the Court  
4 to grant the relief prayed for therein and for such other and further relief as the Court deems just  
5 and proper.

6 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of June, 2006.

7 ROBBINS & GREEN, P.A.

8 By: Bradley J. Stevens, Esq.

3300 North Central Avenue, Suite 1800  
9 Phoenix, Arizona 85012

10 Attorneys for Lou O. Maldonado, Trustee for the  
benefit of the Maldonado Trust

11 AND

12 JONES VARGAS

13 By: //s// Janet L. Chubb

14 Janet L. Chubb, Esq.

15 100 West Liberty Street, 12<sup>th</sup> Floor  
16 P.O. Box 281  
Reno, NV 89504-0281

17 Local-counsel for Lou O. Maldonado, Trustee for  
18 the benefit of the Maldonado Trust

**CERTIFICATE OF SERVICE**

1. On June 2, 2006, I served the following document:

**LOU O. MALDONADO, TRUSTEE FOR THE BENEFIT OF THE  
MALDONADO TRUST'S JOINDER IN DIRECT LENDERS' MOTIONS:  
(1) TO COMPEL DEBTOR TO CONTINUE TO FORWARD LENDER  
PAYMENTS TO DIRECT LENDERS; and (2) TO DELAY OR PROHIBIT  
APPRAISALS ON PERFORMING LOANS**

2. I served the above-named document by the following means to the persons as listed below:

☒ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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22 ☒ b. **United States mail, postage fully prepaid (list persons and addresses):**

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☐ c. **Personal Service** (list persons and addresses):  
I personally delivered this document to the persons at these address:

☐ For a party represented by and attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 2<sup>nd</sup> day of June, 2006.

J. Englehart & Tawney Waldo  
Name

/s/ Tawney Waldo & J. Englehart  
Signature